

1 in the early intervention program under s. 51.44. Payment adjustments under this  
2 subsection shall include the state share of the payments. The total of any payment  
3 adjustments under this subsection and Medical Assistance payments made from  
4 appropriation accounts under s. 20.435 (4) (b), (gm), (o), and (w), may not exceed  
5 applicable limitations on payments under 42 USC 1396a (a) (30) (A).

6 **\*-0174/3.6\* SECTION 1505.** 49.45 (52) (a) 2. of the statutes is created to read:

7 49.45 (52) (a) 2. The department may require a county department or local  
8 health department to submit a certified cost report that meets the requirements of  
9 the federal department of health and human services for covered services described  
10 in subd. 1.

11 **\*-0174/3.7\* SECTION 1506.** 49.45 (52) (b) of the statutes is created to read:

12 49.45 (52) (b) If the department provides the notice under par. (c) selecting the  
13 payment procedure in this paragraph, all of the following apply:

14 1. Annually, a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437  
15 shall submit a certified cost report that meets the requirements of the federal  
16 department of health and human services for covered services under s. 49.46 (2) (a)  
17 2. and 4. d. and f. and (b) 6. b., c., f., fm., g., j., k., L., Lm., and m., 9., 12., 12m., 13.,  
18 15., and 16., except for services specified under s. 49.46 (2) (b) 6. b. and c. provided  
19 to children participating in the early intervention program under s. 51.44.

20 2. For services described under subd. 1., the department shall base the amount  
21 of a claim for federal medical assistance funds on certified cost reports submitted by  
22 county departments under subd. 1. to the extent the reports comply with federal  
23 requirements.

1           3. The department shall pay county departments a percentage of the federal  
2 funds claimed under subd. 2. for services described under subd. 1., which percentage  
3 is established in the most recent biennial budget.

4           4. The department may pay a local health department, as defined in s. 250.01  
5 (4), that submits certified cost reports for services described under subd. 1. a  
6 percentage of the federal funds claimed for those services, which percentage is  
7 established in the most recent biennial budget.

8           **\*-0174/3.8\* SECTION 1507.** 49.45 (52) (c) of the statutes is created to read:

9           49.45 (52) (c) The department shall select a payment procedure under either  
10 par. (a) or (b) and may change which procedure under par. (a) or (b) is selected. The  
11 department shall notify each county department and local health department, as  
12 applicable, of the selected payment procedure before the date on which payment for  
13 services is made under that selected or newly selected procedure.

14           **\*-0174/3.9\* SECTION 1508.** 49.45 (53) of the statutes is amended to read:

15           49.45 (53) PAYMENTS FOR CERTAIN SERVICES. Beginning on January 1, 2003, the  
16 department may, from the appropriation account under s. 20.435 (7) (b), make  
17 Medical Assistance payments to providers for covered services under ss. 49.46 (2) (a)  
18 4. d. and (b) 6. j. and m. and 49.471 (11) (f) that are provided before January 1, 2012.

19           **\*-1019/4.53\* SECTION 1509.** 49.46 (1) (a) 4. of the statutes is amended to read:

20           49.46 (1) (a) 4. Any person receiving benefits under s. ~~49.77~~ 49.39 or federal  
21 Title XVI.

22           **\*-1019/4.54\* SECTION 1510.** 49.46 (1) (a) 4m. of the statutes is amended to  
23 read:

24           49.46 (1) (a) 4m. Any child for whom a payment is made under s. ~~49.775~~ 49.395.

25           **\*-1019/4.55\* SECTION 1511.** 49.46 (1) (d) 4. of the statutes is amended to read:

1           49.46 (1) (d) 4. A child who meets the conditions under 42 USC 1396a (e) (3)  
2 shall be considered a recipient of benefits under s. ~~49.77~~ 49.39 or federal Title XVI.

3           **\*-1019/4.56\* SECTION 1512.** 49.46 (1) (e) of the statutes is amended to read:

4           49.46 (1) (e) If an application under s. 49.47 (3) shows that the individual meets  
5 the income limits under s. 49.19 or meets the income and resource requirements  
6 under federal Title XVI or s. ~~49.77~~ 49.39, or that the individual is an essential person,  
7 an accommodated person, or a patient in a public medical institution, the individual  
8 shall be granted the benefits enumerated under sub. (2) whether or not the  
9 individual requests or receives a grant of any of such aids.

10          **\*-1019/4.57\* SECTION 1513.** 49.465 (2) (a) of the statutes is amended to read:

11          49.465 (2) (a) If the woman applies for benefits under s. 49.46 or 49.47 within  
12 the time required under sub. (4), the day on which the department ~~or the county~~  
13 ~~department under s. 46.215, 46.22 or 46.23~~ determines whether the woman is  
14 eligible for benefits under s. 49.46 or 49.47.

15          **\*-0970/2.1\* SECTION 1514.** 49.468 (1) (b) of the statutes is amended to read:

16          49.468 (1) (b) For an elderly or disabled individual who is entitled to coverage  
17 under ~~part~~ Part A of ~~medicare~~ Medicare, entitled to coverage under ~~part~~ Part B of  
18 ~~medicare~~ Medicare, and who does not meet the eligibility criteria for ~~medical~~  
19 ~~assistance~~ Medical Assistance under s. 49.46 (1), 49.465, 49.47 (4), or 49.471 but  
20 meets the limitations on income and resources under par. (d), ~~medical assistance~~  
21 Medical Assistance shall pay the deductible and coinsurance portions of ~~medicare~~  
22 Medicare services under 42 USC 1395 to 1395zz ~~which that~~ are not paid under 42  
23 USC 1395 to 1395zz, including those ~~medicare~~ Medicare services that are not  
24 included in the approved state plan for services under 42 USC 1396; the monthly  
25 premiums payable under 42 USC 1395v; the monthly premiums, if applicable, under

**SECTION 1514**

1 42 USC 1395i-2 (d); and the late enrollment penalty, if applicable, for premiums  
2 under ~~part Part A of medicare~~ Medicare. Payment of coinsurance for a service under  
3 ~~part Part B of medicare~~ Medicare under 42 USC 1395j to 1395w, other than payment  
4 of coinsurance for outpatient hospital services, and payment of coinsurance for a  
5 service under Part A of Medicare may not exceed the allowable charge for the service  
6 under ~~medical-assistance~~ Medical Assistance minus the ~~medicare~~ Medicare  
7 payment.

8 **\*-0970/2.2\* SECTION 1515.** 49.468 (1) (c) of the statutes is amended to read:

9 49.468 (1) (c) For an elderly or disabled individual who is only entitled to  
10 coverage under ~~part Part A of medicare~~ Medicare and who does not meet the  
11 eligibility criteria for ~~medical-assistance~~ Medical Assistance under s. 49.46 (1),  
12 49.465, 49.47 (4), or 49.471 but meets the limitations on income and resources under  
13 par. (d), ~~medical-assistance~~ Medical Assistance shall pay the deductible and  
14 coinsurance portions of ~~medicare~~ Medicare services under 42 USC 1395 to 1395i  
15 ~~which that~~ are not paid under 42 USC 1395 to 1395i, including those ~~medicare~~  
16 Medicare services that are not included in the approved state plan for services under  
17 42 USC 1396; the monthly premiums, if applicable, under 42 USC 1395i-2 (d); and  
18 the late enrollment penalty for premiums under ~~part Part A of medicare~~ Medicare,  
19 if applicable. Payment of coinsurance for a service under Part A of Medicare may not  
20 exceed the allowable charge for the service under Medical Assistance minus the  
21 Medicare payment.

22 **\*-1019/4.58\* SECTION 1516.** 49.47 (3) (b) of the statutes is amended to read:

23 49.47 (3) (b) The ~~agency~~ department shall promptly review the application and  
24 shall issue a certificate to the individual showing eligibility when eligibility has been  
25 established.

1           **\*-1019/4.59\* SECTION 1517.** 49.47 (4) (c) 1. of the statutes is amended to read:

2           49.47 (4) (c) 1. Except as provided in par. (am) and as limited by subd. 3.,  
3           eligibility exists if income does not exceed 133 1/3% of the maximum aid to families  
4           with dependent children payment under s. 49.19 (11) for the applicant's family size  
5           or the combined benefit amount available under supplemental security income  
6           under 42 USC 1381 to 1383c and state supplemental aid under s. ~~49.77~~ 49.39,  
7           whichever is higher. In this subdivision "income" includes earned or unearned  
8           income that would be included in determining eligibility for the individual or family  
9           under s. 49.19 or ~~49.77~~ 49.39, or for the aged, blind or disabled under 42 USC 1381  
10          to 1385. "Income" does not include earned or unearned income which would be  
11          excluded in determining eligibility for the individual or family under s. 49.19 or ~~49.77~~  
12          49.39, or for the aged, blind or disabled individual under 42 USC 1381 to 1385.

13          **\*-1465/P3.344\* \*-0808/2.203\* SECTION 1518.** 49.47 (4) (i) 1. of the statutes is  
14          amended to read:

15          49.47 (4) (i) 1. The department shall request a waiver from the secretary of the  
16          federal department of health and human services to permit the application of subd.  
17          2. The waiver shall request approval to implement the waiver on a statewide basis,  
18          unless the department of health services determines that statewide implementation  
19          of the waiver would present an obstacle to the approval of the waiver by the secretary  
20          of the federal department of health and human services, in which case the waiver  
21          shall request approval to implement the waiver in 48 pilot counties to be selected by  
22          the department of health services. Within 30 days after August 12, 1993, the  
23          department of ~~regulation and licensing~~ safety and professional services shall notify  
24          funeral directors licensed under ch. 445, cemetery associations, as defined in s.  
25          157.061 (1r), and cemetery authorities, as defined in s. 157.061 (2), of the terms of

the waiver required to be requested under this subdivision. If the waiver is approved by the secretary of the federal department of health and human services and if the waiver remains in effect, subd. 2. shall apply.

**\*-1019/4.60\* SECTION 1519.** 49.471 (5) (b) 3. a. of the statutes is amended to read:

49.471 (5) (b) 3. a. If the woman or child applies for benefits under sub. (4) within the time required under par. (d), the benefits specified in subd. 1. or 2., whichever is applicable, end on the day on which the department ~~or the county~~ department under s. 46.215, 46.22, or 46.23 determines whether the woman or child is eligible for benefits under sub. (4).

**\*-1019/4.61\* SECTION 1520.** 49.471 (7) (c) 4. of the statutes is amended to read:  
49.471 (7) (c) 4. Not include in the calculation any income of an individual receiving benefits under s. 49.77 49.39 or federal Title XVI.

**\*-1019/4.62\* SECTION 1521.** 49.472 (4) (a) 2. a. of the statutes is amended to read:

49.472 (4) (a) 2. a. A maintenance allowance established by the department by rule. The maintenance allowance may not be less than the sum of \$20, the federal supplemental security income payment level determined under 42 USC 1382 (b) and the state supplemental payment determined under s. 49.77 ~~(2m)~~ 49.39 (2m).

**\*-0809/3.21\* SECTION 1522.** 49.472 (6) (a) of the statutes is amended to read:  
49.472 (6) (a) Notwithstanding sub. (4) (a) 3., from the appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department shall, on the part of an individual who is eligible for medical assistance under sub. (3), pay premiums for or purchase individual coverage offered by the individual's employer if the department

determines that paying the premiums for or purchasing the coverage will not be more costly than providing medical assistance.

**\*-0809/3.22\* SECTION 1523.** 49.472 (6) (b) of the statutes is amended to read:

49.472 (6) (b) If federal financial participation is available, from the appropriation ~~account~~ accounts under s. 20.435 (4) (b), (gm), or (w), the department may pay medicare Part A and Part B premiums for individuals who are eligible for medicare and for medical assistance under sub. (3).

**\*-1019/4.63\* SECTION 1524.** 49.473 (2) (intro.) of the statutes is amended to read:

49.473 (2) (intro.) A woman is eligible for medical assistance as provided under sub. (5) if, after applying to the department ~~or a county department~~, the department ~~or a county department~~ determines that she meets all of the following requirements:

**\*-1019/4.64\* SECTION 1525.** 49.473 (3) (intro.) of the statutes is amended to read:

49.473 (3) (intro.) Prior to applying to the department ~~or a county department~~ for medical assistance, a woman is eligible for medical assistance as provided under sub. (5) beginning on the date on which a qualified entity determines, on the basis of preliminary information, that the woman meets the requirements specified in sub. (2) and ending on one of the following dates:

**\*-1019/4.65\* SECTION 1526.** 49.473 (3) (a) of the statutes is amended to read:

49.473 (3) (a) If the woman applies to the department ~~or a county department~~ for medical assistance within the time limit required under sub. (4), the day on which the department ~~or county department~~ determines whether the woman meets the requirements under sub. (2).

**\*-1019/4.66\* SECTION 1527.** 49.473 (3) (b) of the statutes is amended to read:

1           49.473 (3) (b) If the woman does not apply to the department ~~or county~~  
2           ~~department~~ for medical assistance within the time limit required under sub. (4), the  
3           last day of the month following the month in which the qualified entity determines  
4           that the woman is eligible for medical assistance.

5           **\*-1019/4.67\* SECTION 1528.** 49.473 (4) of the statutes is amended to read:

6           49.473 (4) A woman who a qualified entity determines under sub. (3) is eligible  
7           for medical assistance shall apply to the department ~~or county department~~ no later  
8           than the last day of the month following the month in which the qualified entity  
9           determines that the woman is eligible for medical assistance.

10          **\*-0809/3.23\* SECTION 1529.** 49.473 (5) of the statutes is amended to read:

11          49.473 (5) The department shall audit and pay, from the appropriation  
12          accounts under s. 20.435 (4) (b), (gm), and (o), allowable charges to a provider who  
13          is certified under s. 49.45 (2) (a) 11. for medical assistance on behalf of a woman who  
14          meets the requirements under sub. (2) for all benefits and services specified under  
15          s. 49.46 (2).

16          **\*-1019/4.68\* SECTION 1530.** 49.473 (6) (b) of the statutes is amended to read:

17          49.473 (6) (b) Inform the woman at the time of the determination that she is  
18          required to apply to the department ~~or a county department~~ for medical assistance  
19          no later than the last day of the month following the month in which the qualified  
20          entity determines that the woman is eligible for medical assistance.

21          **\*-1019/4.69\* SECTION 1531.** 49.496 (4) (a) of the statutes is renumbered 49.496

22          (4) and amended to read:

23          49.496 (4) The department may require a county department under s. 46.215,  
24          46.22, or 46.23 or the governing body of a federally recognized American Indian tribe  
25          administering medical assistance to gather and provide the department with



1 information needed to recover medical assistance under this section. ~~Except as~~  
2 ~~provided in par. (b), the~~ The department shall pay to a county department or tribal  
3 governing body an amount equal to 5% of the recovery collected by the department  
4 relating to a beneficiary for whom the county department or tribal governing body  
5 made the last determination of medical assistance eligibility. A county department  
6 or tribal governing body may use funds received under this ~~paragraph subsection~~  
7 only to pay costs incurred under this ~~paragraph subsection~~ and, if any amount  
8 remains, to pay for improvements to functions required under s. 49.78 (2). The  
9 department may withhold payments under this ~~paragraph subsection~~ for failure to  
10 comply with the department's requirements under this ~~paragraph subsection~~. The  
11 department shall treat payments made under this ~~paragraph subsection~~ as costs of  
12 administration of the Medical Assistance program.

13 **\*-1019/4.70\* SECTION 1532.** 49.496 (4) (b) of the statutes is repealed.

14 **\*-1019/4.71\* SECTION 1533.** 49.496 (5) of the statutes is amended to read:

15 49.496 (5) USE OF FUNDS. From the appropriation under s. 20.435 (4) (im), the  
16 department shall pay the amount of the payments under sub. (4) (a) that is not paid  
17 from federal funds, shall pay to the federal government the amount of the funds  
18 recovered under this section equal to the amount of federal funds used to pay the  
19 benefits recovered under this section, and shall spend the remainder of the funds  
20 recovered under this section for medical assistance benefits under this subchapter.

21 **\*-1019/4.72\* SECTION 1534.** 49.497 (1) (b) of the statutes is amended to read:

22 49.497 (1) (b) The department's right of recovery is against any Medical  
23 Assistance or Badger Care recipient to whom or on whose behalf the incorrect  
24 payment was made. The extent of recovery is limited to the amount of the benefits  
25 incorrectly granted. ~~The county department under s. 46.215 or 46.22 or the~~

governing body of a federally recognized American Indian tribe administering Medical Assistance or Badger Care ~~shall~~ may begin recovery actions on behalf of the department according to rules promulgated by the department.

**\*-1019/4.73\* SECTION 1535.** 49.497 (2) (a) of the statutes is renumbered 49.497 (2) and amended to read:

49.497 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a federally recognized American Indian tribe may retain 15% of benefits provided under this subchapter or s. 49.665 that are recovered under this section due to the efforts of an employee or officer of the county or tribe.

**\*-1019/4.74\* SECTION 1536.** 49.497 (2) (b) of the statutes is repealed.

**\*-1156/1.1\* SECTION 1537.** 49.68 (3) (b) of the statutes is amended to read:

49.68 (3) (b) From the appropriation accounts under ss. 20.435 (4) (e) and (je), the state shall pay ~~the cost of~~, at a rate determined by the department under par. (e), for medical treatment that is required as a direct result of chronic renal disease of certified patients from the date of certification, including ~~the cost of~~ administering recombinant human erythropoietin to appropriate patients, whether the treatment is rendered in an approved facility in the state or in a dialysis or transplantation center ~~which~~ that is approved as such by a contiguous state, subject to the conditions specified under par. (d). Approved facilities may include a hospital in-center dialysis unit or a nonhospital dialysis center ~~which~~ that is closely affiliated with a home dialysis program supervised by an approved facility. Aid shall also be provided for all reasonable expenses incurred by a potential living-related donor, including evaluation, hospitalization, surgical costs, and postoperative follow-up to the extent that these costs are not reimbursable under the federal medicare program or other insurance. In addition, all expenses incurred in the procurement, transportation,

1 and preservation of cadaveric donor kidneys shall be covered to the extent that these  
2 costs are not otherwise reimbursable. All donor-related costs are chargeable to the  
3 recipient and reimbursable under this subsection.

4 **\*-1156/1.2\* SECTION 1538.** 49.68 (3) (e) of the statutes is amended to read:

5 49.68 (3) (e) ~~State aids~~ Payment for services provided under this section shall  
6 be ~~equal to~~ at a rate determined by the department that does not exceed the allowable  
7 charges under the federal Medicare program. In no case shall state rates for  
8 individual service elements exceed the federally defined allowable costs. The rate  
9 of charges for services not covered by public and private insurance shall not exceed  
10 the reasonable charges as established by ~~medicare~~ Medicare fee determination  
11 procedures. A person that provides to a patient a service for which aid is provided  
12 under this section shall accept the amount paid under this section for the service as  
13 payment in full and may not bill the patient for any amount by which the charge for  
14 the service exceeds the amount paid for the service under this section. The state may  
15 not pay for the cost of travel, lodging, or meals for persons who must travel to receive  
16 inpatient and outpatient dialysis treatment for kidney disease. This paragraph shall  
17 not apply to donor related costs as defined in par. (b).

18 **\*-1325/2.1\* SECTION 1539.** 49.688 (2) (a) 6. of the statutes is created to read:

19 49.688 (2) (a) 6. The person applies for and, if eligible, enrolls in Medicare  
20 under Part D of Title XVIII of the federal Social Security Act, 42 USC 1395w-101 to  
21 1395w-153, if the secretary of the federal department of health and human services  
22 approves the condition on eligibility under this subdivision.

23 **\*-1325/2.2\* SECTION 1540.** 49.688 (2) (b) of the statutes is amended to read:

24 49.688 (2) (b) A person to whom par. (a) 1. to 3. ~~and, 5., and 6.~~ applies, but whose  
25 annual household income, as determined by the department, exceeds 240% of the

1 federal poverty line for a family the size of the persons' eligible family, is eligible to  
2 purchase a prescription drug at the amounts specified in sub. (5) (a) 4. only during  
3 the remaining amount of any 12-month period in which the person has first paid the  
4 annual deductible specified in sub. (3) (b) 2. a. in purchasing prescription drugs at  
5 the retail price and has then paid the annual deductible specified in sub. (3) (b) 2. b.

6 **\*-1019/4.75\* SECTION 1541.** 49.77 of the statutes is renumbered 49.39, and  
7 49.39 (6), as renumbered, is amended to read:

8 49.39 (6) AUTHORITY TO ADMINISTER; RULES. The department shall administer  
9 this section and s. ~~49.775~~ 49.395, and may promulgate rules to guide the  
10 administration of eligibility determinations and benefits payments.

11 **\*-1019/4.76\* SECTION 1542.** 49.775 of the statutes is renumbered 49.395, and  
12 49.395 (2) (a), (b), (bm) and (e) 1., as renumbered, are amended to read:

13 49.395 (2) (a) The custodial parent is a recipient of supplemental security  
14 income under 42 USC 1381 to 1383c or of state supplemental payments under s.  
15 ~~49.77~~ 49.39, or both.

16 (b) If the dependent child has 2 custodial parents, each custodial parent  
17 receives supplemental security income under 42 USC 1381 to 1383c or state  
18 supplemental payments under s. ~~49.77~~ 49.39, or both.

19 (bm) The custodial parent assigns to the state any right of the custodial parent  
20 or of the dependent child to support from any other person accruing during the time  
21 that any payment under this subsection is made to the custodial parent. No amount  
22 of support that begins to accrue after the individual ceases to receive payments under  
23 this section may be considered assigned to the state. Seventy-five percent of all  
24 money that is received by the department of ~~children and families~~ under an  
25 assignment to the state under this paragraph shall be paid to the custodial parent.

1 The department of children and families shall pay the federal share of support  
2 assigned under this paragraph as required under federal law or waiver.

3 (e) 1. The custodial parent is ineligible for aid under s. 49.19 solely because he  
4 or she receives supplemental security income under 42 USC 1381 to 1383c or state  
5 supplemental payments under s. ~~49.77~~ 49.39.

6 **\*-1019/4.77\* SECTION 1543.** 49.776 of the statutes is renumbered 49.396 and  
7 amended to read:

8 **49.396 Payment of support arrears.** If a custodial parent who formerly  
9 received payments under s. 49.775, 2009 stats., or s. 49.395 but who is no longer  
10 receiving payments under s. 49.775, 2009 stats., or s. 49.395 assigned to the state  
11 under s. 49.775 (2) (bm), 2009 stats., or s. 49.395 (2) (bm) his or her right or the right  
12 of the dependent child to support from any other person, the department shall pay  
13 to the custodial parent all money in support arrears that is collected by the  
14 department after the custodial parent's receipt of payments under s. 49.775, 2009  
15 stats., or s. 49.395 ceased and that accrued while the custodial parent was receiving  
16 those payments.

17 **\*-1195/1.33\* SECTION 1544.** 49.78 (1) (b) of the statutes is amended to read:

18 49.78 (1) (b) "Income maintenance program" means the Medical Assistance  
19 program under subch. IV of ch. 49, the Badger Care health care program under s.  
20 49.665, ~~the food stamp program under 7 USC 2011 to 2036~~, or the cemetery, funeral,  
21 and burial expenses program under s. 49.785.

22 **\*-1019/4.78\* SECTION 1545.** 49.78 (1) (bm) of the statutes is created to read:

23 49.78 (1) (bm) "Income maintenance worker" means a person employed by or  
24 under a contract with the department or a tribal governing body whose duties  
25 include determining eligibility for income maintenance programs.

**\*-1019/4.79\* SECTION 1546.** 49.78 (1) (f) of the statutes is created to read:

49.78 (1) (f) "Unit" means the income maintenance administration unit.

**\*-1019/4.81\* SECTION 1547.** 49.78 (1m) of the statutes is created to read:

49.78 (1m) ESTABLISHMENT OF UNIT. The department shall establish an income maintenance administration unit under s. 15.02 (3) (c) 3. to administer income maintenance programs in this state, except as provided in s. 49.825 (2). Administration of income maintenance programs includes the following:

(a) Receiving applications.

(b) Determining eligibility.

(c) Conducting fraud investigation and fraud prevention activities.

(d) Implementing error reduction procedures.

(e) Recovering overpayments of benefits.

**\*-1019/4.80\* SECTION 1548.** 49.78 (1m) (intro.) of the statutes, as created by 2011 Wisconsin Act .... (this act), is amended to read:

49.78 (1m) (intro.) The department shall establish an income maintenance administration unit under s. 15.02 (3) (c) 3. to administer income maintenance programs in this state, ~~except as provided in s. 49.825 (2).~~ Administration of income maintenance programs includes the following:

**\*-1019/4.82\* SECTION 1549.** 49.78 (1p) of the statutes is created to read:

49.78 (1p) INCOME MAINTENANCE ADMINISTRATION UNIT CONTRACTS. The department may contract with a public or private entity to provide the income maintenance administrative services described in sub. (1m). A contract to provide income maintenance administrative services under this section is exempt from subch. IV of ch. 16.

**\*-1019/4.83\* SECTION 1550.** 49.78 (1r) of the statutes is created to read:

49.78 (1r) ADMINISTRATION BY A TRIBAL GOVERNING BODY. A tribal governing body may administer income maintenance programs by electing to have the unit administer the tribe's income maintenance programs or by providing the required administrative services and entering into a contract with the department for reimbursement under sub. (2).

**\*-1019/4.84\* SECTION 1551.** 49.78 (2) of the statutes is amended to read:

49.78 (2) CONTRACTS WITH A TRIBAL GOVERNING BODY. Annually, for the income maintenance administrative program functions, if any, that the department delegates to a ~~county or~~ tribal governing body, ~~the department and county department under s. 46.215, 46.22, or 46.23 shall enter into a contract, and the~~ department and tribal governing body may enter into a contract, for reimbursement of the ~~county department or~~ tribal governing body for the reasonable cost of administering income maintenance programs.

**\*-1019/4.85\* SECTION 1552.** 49.78 (4) of the statutes is renumbered 49.19 (19g)

(a) and amended to read:

49.19 (19g) (a) ~~RULES; MERIT SYSTEM.~~ The department of children and families shall promulgate rules for the efficient administration of aid to families with dependent children in agreement with the requirement for federal aid, including the establishment and maintenance of personnel standards on a merit basis. The provisions of this ~~section~~ subsection relating to personnel standards on a merit basis supersede any inconsistent provisions of any law relating to county personnel. This ~~subsection~~ paragraph shall not be construed to invalidate the provisions of s. 46.22 (1) (d).

**\*-1019/4.86\* SECTION 1553.** 49.78 (5) of the statutes is renumbered 49.19 (19g)

(b) and amended to read:

1           49.19 (19g) (b) ~~PERSONNEL EXAMINATIONS~~. Statewide examinations to ascertain  
2           qualifications of applicants in any county department administering aid to families  
3           with dependent children shall be given by the administrator of the division of merit  
4           recruitment and selection in the office of state employment relations. The office of  
5           state employment relations shall be reimbursed for actual expenditures incurred in  
6           the performance of its functions under this ~~section~~ subsection from the  
7           appropriations available to the department of children and families for  
8           administrative expenditures.

9           \*-1019/4.87\* SECTION 1554. 49.78 (6) (title) of the statutes is repealed.

10          \*-1019/4.88\* SECTION 1555. 49.78 (6) of the statutes is renumbered 49.19 (19g)  
11          (c).

12          \*-1019/4.89\* SECTION 1556. 49.78 (7) of the statutes is renumbered 49.19 (19g)  
13          (d) and amended to read:

14           49.19 (19g) (d) ~~COUNTY PERSONNEL SYSTEMS~~. Pursuant to rules promulgated  
15           under sub. (4) par. (a), the department of children and families where requested by  
16           the county shall delegate to that county, without restriction because of enumeration,  
17           any or all of the authority of the department of children and families under sub. (4)  
18           par. (a) to establish and maintain personnel standards including salary levels.

19          \*-1019/4.90\* SECTION 1557. 49.78 (8) (a) of the statutes is amended to read:

20           49.78 (8) (a) From the ~~appropriation accounts~~ appropriations under s. 20.435  
21           (4) ~~(bn)~~ (bm) and (nn) and subject to par. (b), the department shall reimburse each  
22           ~~county~~ and tribal governing body that contracts with the department under sub. (2)  
23           for reasonable costs of administering the income maintenance programs, including  
24           conducting fraud prevention activities. The amount of each reimbursement paid  
25           under this paragraph shall be calculated using a formula based on workload within



1 the limits of available state and federal funds under s. 20.435 (4) ~~(bn)~~ (bm) and (nn)  
2 by contract under sub. (2). The amount of reimbursement calculated under this  
3 paragraph and par. (b) is in addition to any reimbursement provided to a ~~county or~~  
4 tribal governing body for fraud and error reduction under s. 49.197 or 49.845.

5 **\*-1019/4.91\* SECTION 1558.** 49.78 (8) (b) of the statutes is amended to read:

6 49.78 (8) (b) The department may adjust the amounts determined under par.  
7 (a) for workload changes and computer network activities performed by a ~~county or~~  
8 tribal governing body and may reduce the amount of any reimbursement if federal  
9 reimbursement is withheld due to audits, quality control samples, or program  
10 reviews.

11 **\*-1019/4.92\* SECTION 1559.** 49.78 (10) (title) of the statutes is amended to  
12 read:

13 49.78 (10) (title) ~~COUNTY~~ TRIBAL GOVERNING BODY CERTIFICATION.

14 **\*-1019/4.93\* SECTION 1560.** 49.78 (10) (a) of the statutes is amended to read:

15 49.78 (10) (a) ~~Each county treasurer and director of a county department under~~  
16 ~~s. 46.215, 46.22, or 46.23 that contracts with the department under sub. (2) and each~~  
17 Each tribal governing body that contracts with the department under sub. (2) shall  
18 certify monthly under oath to the department in such manner as the department  
19 prescribes the claim of the ~~county or~~ tribal governing body for state reimbursement  
20 under sub. (8) (a). The department shall review each claim of reimbursement and,  
21 if the department approves the claim, the department shall certify to the department  
22 of administration for reimbursement to the ~~county or~~ tribal governing body for  
23 amounts due under sub. (8) (a) and payment claimed to be made to the ~~counties or~~  
24 tribal governing bodies monthly. The department may make advance payments  
25 prior to the beginning of each month equal to one-twelfth of the contracted amount.

1           **\*-1019/4.94\* SECTION 1561.** 49.78 (10) (b) of the statutes is amended to read:

2           49.78 (10) (b) To facilitate prompt reimbursement, the certificate of the  
3 department may be based on the certified statements of the ~~county officers or~~ tribal  
4 governing body executives filed under par. (a). Funds recovered from audit  
5 adjustments from a prior fiscal year may be included in subsequent certifications  
6 only to pay ~~counties~~ tribal governing bodies owed funds as a result of any audit  
7 adjustment. By September 30 annually, the department shall submit a report to the  
8 appropriate standing committees under s. 13.172 (3) on funds recovered and paid out  
9 during the previous calendar year as a result of audit adjustments.

10           **\*-1019/4.95\* SECTION 1562.** 49.785 (1) (intro.) of the statutes is amended to  
11 read:

12           49.785 (1) (intro.) Except as provided in sub. (1m) ~~and subject to s. 49.825~~, if  
13 any recipient specified in sub. (1c) dies and the estate of the deceased recipient is  
14 insufficient to pay the funeral, burial, and cemetery expenses of the deceased  
15 recipient, the department or county or applicable tribal governing body or  
16 organization responsible for burial of the recipient shall pay, to the person  
17 designated by the department or county department under s. 46.215, 46.22, or 46.23  
18 or applicable tribal governing body or organization responsible for the burial of the  
19 recipient, all of the following:

20           **\*-1019/4.96\* SECTION 1563.** 49.785 (1) (intro.) of the statutes, as affected by  
21 2011 Wisconsin Act .... (this act), is amended to read:

22           49.785 (1) (intro.) Except as provided in sub. (1m), if any recipient specified in  
23 sub. (1c) dies and the estate of the deceased recipient is insufficient to pay the  
24 funeral, burial, and cemetery expenses of the deceased recipient, the department or  
25 ~~county~~ or applicable tribal governing body or organization responsible for burial of

the recipient shall pay, to the person designated by the department ~~or county~~  
department under s. 46.215, 46.22, or 46.23 or applicable tribal governing body or  
organization responsible for the burial of the recipient, all of the following:

**\*-1019/4.97\* SECTION 1564.** 49.785 (1c) (a) of the statutes is amended to read:

49.785 (1c) (a) A recipient of benefits under s. 49.77, 2009 stats., or s. 49.148,  
49.39, or 49.46, ~~or 49.77~~, or under 42 USC 1381 to 1385 in effect on May 8, 1980.

**\*-1019/4.98\* SECTION 1565.** 49.785 (1m) (a) of the statutes is amended to read:

49.785 (1m) (a) If the total cemetery expenses for the recipient exceed \$3,500,  
the department ~~or county~~ or applicable tribal governing body or organization  
responsible for burial of the recipient is not required to make a payment for the  
cemetery expenses under sub. (1) (a).

**\*-1019/4.99\* SECTION 1566.** 49.785 (1m) (b) of the statutes is amended to read:

49.785 (1m) (b) If the total funeral and burial expenses for the recipient exceed  
\$4,500, the department ~~or county~~ or applicable tribal governing body or organization  
responsible for burial of the recipient is not required to make a payment for funeral  
and burial expenses under sub. (1) (b).

**\*-1019/4.100\* SECTION 1567.** 49.785 (1m) (c) of the statutes is amended to  
read:

49.785 (1m) (c) If a request for payment under sub. (1) is made more than 12  
months after the death of the recipient, the department ~~or county~~ or applicable tribal  
governing body or organization responsible for burial of the recipient is not required  
to make a payment for cemetery, funeral, or burial expenses.

**\*-1019/4.101\* SECTION 1568.** 49.785 (2) of the statutes is amended to read:

49.785 (2) From the appropriation under s. 20.435 (4) ~~(bn)~~ (br), the department  
shall reimburse a county or applicable tribal governing body or organization for any

**SECTION 1568**

1 amount that the county or applicable tribal governing body or organization is  
2 required to pay under sub. (1) if the county or applicable tribal governing body or  
3 organization complies with sub. (3). From the appropriation under s. 20.435 (4) ~~(bn)~~  
4 (br), the department shall reimburse a county or applicable tribal governing body or  
5 organization for cemetery expenses or for funeral and burial expenses for a person  
6 described under sub. (1) that the county or applicable tribal governing body or  
7 organization is not required to pay under subs. (1) and (1m) only if the department  
8 approves the reimbursement due to unusual circumstances and if the county or  
9 applicable tribal governing body or organization complies with sub. (3).

10 **\*-1019/4.102\* SECTION 1569.** 49.785 (2) of the statutes, as affected by 2011  
11 Wisconsin Act .... (this act), is amended to read:

12 49.785 (2) From the appropriation under s. 20.435 (4) (br), the department  
13 shall reimburse ~~a county or~~ an applicable tribal governing body or organization for  
14 any amount that the ~~county or applicable~~ tribal governing body or organization is  
15 required to pay under sub. (1) if the ~~county or applicable~~ tribal governing body or  
16 organization complies with sub. (3). From the appropriation under s. 20.435 (4) (br),  
17 the department shall reimburse ~~a county or~~ an applicable tribal governing body or  
18 organization for cemetery expenses or for funeral and burial expenses for a person  
19 described under sub. (1) that the ~~county or applicable~~ tribal governing body or  
20 organization is not required to pay under subs. (1) and (1m) only if the department  
21 approves the reimbursement due to unusual circumstances and if the ~~county or~~  
22 ~~applicable~~ tribal governing body or organization complies with sub. (3).

23 **\*-1019/4.103\* SECTION 1570.** 49.785 (3) (intro.) of the statutes is amended to  
24 read:

1           49.785 (3) (intro.) As a condition for reimbursement under sub. (2) for amounts  
2       paid on behalf of a deceased recipient, ~~a county or~~ an applicable tribal governing  
3       body or organization shall provide to the department all of the following information  
4       with respect to the deceased recipient:

5           **\*-1019/4.104\* SECTION 1571.** 49.785 (3) (c) of the statutes is amended to read:

6           49.785 (3) (c) The total amount of each of the expenses under pars. (a) and (b)  
7       that the ~~county or~~ tribal governing body or organization paid on behalf of the  
8       deceased recipient.

9           **\*-1195/1.34\* SECTION 1572.** 49.79 (title) of the statutes is renumbered 49.37  
10       (title) and amended to read:

11           **49.37 (title) ~~Food stamp~~ Supplemental nutrition assistance program**  
12       **administration.**

13           **\*-1195/1.35\* SECTION 1573.** 49.79 (1) (intro.) of the statutes is renumbered  
14       49.37 (1) (intro.).

15           **\*-1195/1.36\* SECTION 1574.** 49.79 (1) (a) of the statutes is renumbered 49.37  
16       (1) (a).

17           **\*-1195/1.37\* SECTION 1575.** 49.79 (1) (c) of the statutes is renumbered 49.37  
18       (1) (f) and amended to read:

19           49.37 (1) (f) "~~Food stamp program~~ Supplemental nutrition assistance program"  
20       means the federal ~~food stamp~~ supplemental nutrition assistance program under 7  
21       USC 2011 to 2036.

22           **\*-1195/1.38\* SECTION 1576.** 49.79 (1) (f) of the statutes is renumbered 49.37  
23       (1) (c).

24           **\*-1195/1.39\* SECTION 1577.** 49.79 (1) (g) of the statutes is renumbered 49.37  
25       (1) (g).

## SECTION 1578

1           **\*-1195/1.40\* SECTION 1578.** 49.79 (2) of the statutes is renumbered 49.37 (2)  
2 and amended to read:

3           49.37 (2) DENIAL OF ELIGIBILITY. An individual who fails to comply with the work  
4 requirements of the employment and training program under sub. (9) is ineligible to  
5 participate in the ~~food stamp~~ supplemental nutrition assistance program as  
6 specified under sub. (9) (b).

7           **\*-1195/1.41\* SECTION 1579.** 49.79 (3) (title) of the statutes is renumbered  
8 49.37 (3) (title) and amended to read:

9           49.37 (3) (title) LIABILITY FOR LOST FOOD COUPONS MISAPPROPRIATED BENEFITS.

10           **\*-1195/1.42\* SECTION 1580.** 49.79 (3) (a) of the statutes is renumbered 49.37  
11 (3) (a) and amended to read:

12           49.37 (3) (a) A county or federally recognized American Indian tribe is liable  
13 for all ~~food stamp coupons lost,~~ supplemental nutrition assistance program benefits  
14 that are misappropriated, or destroyed while under the county's or tribe's direct  
15 control, except as provided in par. (b).

16           **\*-1019/4.105\* SECTION 1581.** 49.79 (3) (a) of the statutes is amended to read:

17           49.79 (3) (a) A ~~county or~~ federally recognized American Indian tribe is liable  
18 for all food stamp coupons lost, misappropriated, or destroyed while under the  
19 ~~county's or~~ tribe's direct control, except as provided in par. (b).

20           **\*-1195/1.43\* SECTION 1582.** 49.79 (3) (b) of the statutes is repealed.

21           **\*-1019/4.106\* SECTION 1583.** 49.79 (3) (b) of the statutes is amended to read:

22           49.79 (3) (b) A ~~county or~~ federally recognized American Indian tribe is not liable  
23 for food stamp coupons lost in natural disasters if it provides evidence acceptable to  
24 the department that the coupons were destroyed and not redeemed.

1           **\*-1195/1.44\* SECTION 1584.** 49.79 (3) (c) of the statutes is renumbered 49.37  
2           (3) (c) and amended to read:

3           49.37 (3) (c) A county or federally recognized American Indian tribe is liable  
4           for ~~food stamp coupons mailed~~ supplemental nutrition assistance program benefits  
5           incorrectly transferred to residents of the county or members of the tribe ~~and lost in~~  
6           ~~the mail~~ due to incorrect information submitted to the department by the county or  
7           tribe.

8           **\*-1019/4.107\* SECTION 1585.** 49.79 (3) (c) of the statutes is amended to read:

9           49.79 (3) (c) A ~~county or~~ federally recognized American Indian tribe is liable  
10          for food stamp coupons mailed to ~~residents of the county or~~ members of the tribe and  
11          lost in the mail due to incorrect information submitted to the department by the  
12          ~~county or~~ tribe.

13          **\*-1195/1.45\* SECTION 1586.** 49.79 (4) of the statutes is renumbered 49.37 (4)  
14          and amended to read:

15          49.37 (4) DEDUCTIONS FROM COUNTY INCOME MAINTENANCE PAYMENTS. The  
16          department shall withhold the value of ~~food stamp~~ any losses for which a county or  
17          federally recognized American Indian tribe is liable under sub. (3) from the payment  
18          to the county or tribe under ~~income maintenance contracts under s. 49.78~~ contracts  
19          for the administration of the supplemental nutrition assistance program and  
20          reimburse the federal government from the funds withheld.

21          **\*-1019/4.108\* SECTION 1587.** 49.79 (4) of the statutes is amended to read:

22          49.79 (4) DEDUCTIONS FROM ~~COUNTY~~ INCOME MAINTENANCE PAYMENTS. The  
23          department shall withhold the value of food stamp losses for which a ~~county or~~  
24          federally recognized American Indian tribe is liable under sub. (3) from the payment

1 to the ~~county or~~ tribe under income maintenance contracts under s. 49.78 and  
2 reimburse the federal government from the funds withheld.

3 **\*-1195/1.46\* SECTION 1588.** 49.79 (5) (title) of the statutes is renumbered  
4 49.37 (5) (title).

5 **\*-1195/1.47\* SECTION 1589.** 49.79 (5) (a) of the statutes is renumbered 49.37  
6 (5) (a) and amended to read:

7 49.37 (5) (a) The department shall require an applicant for, or recipient under,  
8 the ~~food stamp~~ supplemental nutrition assistance program to state in writing  
9 whether the applicant or recipient or any member of the applicant's or recipient's  
10 household has been convicted, in any state or federal court of a felony that has as an  
11 element possession, use or distribution of a controlled substance. The department  
12 shall require an applicant or recipient, or member of the applicant's or recipient's  
13 household to submit to a test for use of a controlled substance as a condition of  
14 continued eligibility if, after August 22, 1996, but not more than 5 years prior to the  
15 date the written statement is made, the applicant or recipient or the member of the  
16 applicant's or recipient's household was convicted in any state or federal court of a  
17 felony that had as an element possession, use or distribution of a controlled  
18 substance. If the test results are positive with respect to any individual, the  
19 department may not consider the needs of that individual in determining the  
20 household's eligibility for the ~~food stamp~~ supplemental nutrition assistance program  
21 for at least 12 months from the date of the test. The department shall, however,  
22 consider the income and resources of that individual to be available to the household.

23 **\*-1195/1.48\* SECTION 1590.** 49.79 (5) (b) of the statutes is renumbered 49.37  
24 (5) (b).



1           **\*-1195/1.49\* SECTION 1591.** 49.79 (6) of the statutes is renumbered 49.37 (6)  
2 and amended to read:

3           49.37 (6) INELIGIBILITY FOR FUGITIVE FELONS. No person is eligible for the ~~food~~  
4 ~~stamp~~ supplemental nutrition assistance program in a month in which that person  
5 is a fugitive felon under 7 USC 2015 (k) (1) or is violating a condition of probation,  
6 extended supervision or parole imposed by a state or federal court.

7           **\*-1195/1.50\* SECTION 1592.** 49.79 (7) of the statutes is renumbered 49.37 (7)  
8 and amended to read:

9           49.37 (7) ~~SIMPLIFIED FOOD-STAMP~~ SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.  
10 The department shall develop a simplified ~~food-stamp program~~ supplemental  
11 nutrition assistance program that meets all of the requirements under P.L. 104-193,  
12 section 854, and shall submit the plan to the secretary of the federal department of  
13 agriculture for approval. If the secretary of the federal department of agriculture  
14 approves the plan, the department shall submit the plan to the secretary of  
15 administration for approval. If the secretary of administration approves the plan,  
16 the department may implement the plan.

17           **\*-1195/1.51\* SECTION 1593.** 49.79 (8) of the statutes is renumbered 49.37 (8)  
18 and amended to read:

19           49.37 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall provide benefits  
20 under this section to a qualified alien who is ineligible for benefits under this section  
21 solely because of the application of 9 ~~8~~ USC 1612 or 1613 according to a plan approved  
22 by the federal department of agriculture. This subsection does not apply to the  
23 extent that federal ~~food-stamp~~ supplemental nutrition assistance program benefits  
24 for qualified aliens are restored by the federal government.

25           **\*-0151/1.1\* SECTION 1594.** 49.79 (8) of the statutes is amended to read:

1           49.79 (8) BENEFITS FOR QUALIFIED ALIENS. The department shall not provide  
2           benefits under this section to a qualified alien ~~who is ineligible for benefits under this~~  
3           ~~section solely because of the application of 9 USC 1612 or 1613 according to a plan~~  
4           ~~approved by the federal department of agriculture. This subsection does not apply,~~  
5           except to the extent that federal food stamp benefits for qualified aliens are ~~restored~~  
6           required by the federal government.

7           **\*-1195/1.52\* SECTION 1595.** 49.79 (8m) (title) of the statutes is renumbered  
8           49.37 (8m) (title).

9           **\*-1195/1.53\* SECTION 1596.** 49.79 (8m) (a) of the statutes is renumbered 49.37  
10          (8m) (a) and amended to read:

11          49.37 (8m) (a) The department shall allow a prisoner who is applying for the  
12          ~~food stamp~~ supplemental nutrition assistance program from a correctional  
13          institution in anticipation of being released from the institution to use the address  
14          of the correctional institution as his or her address on the application.

15          **\*-1195/1.54\* SECTION 1597.** 49.79 (8m) (b) of the statutes is renumbered 49.37  
16          (8m) (b) and amended to read:

17          49.37 (8m) (b) The department shall allow an employee of a correctional  
18          institution who has been authorized by a prisoner of the institution to act on his or  
19          her behalf in matters related to the ~~food stamp~~ supplemental nutrition assistance  
20          program to receive and conduct telephone calls on behalf of the prisoner in matters  
21          related to the ~~food stamp~~ supplemental nutrition assistance program.

22          **\*-1195/1.55\* SECTION 1598.** 49.79 (9) (title) of the statutes is renumbered  
23          49.37 (9) (title).

24          **\*-1195/1.56\* SECTION 1599.** 49.79 (9) (a) 1. of the statutes is renumbered 49.37  
25          (9) (a) 1. and amended to read:

1           49.37 (9) (a) 1. The department shall administer an employment and training  
2   program for recipients under the ~~food stamp~~ supplemental nutrition assistance  
3   program and may contract ~~under s. 49.78~~ with county departments under ss. 46.215,  
4   46.22, and 46.23, and with tribal governing bodies to carry out the administrative  
5   functions. The department may contract, or a county department or tribal governing  
6   body may subcontract, with a Wisconsin Works agency or another provider to  
7   administer the employment and training program under this subsection. Except as  
8   provided in subds. 2. and 3., the department may require able individuals who are  
9   18 to 60 years of age who are not participants in a Wisconsin Works employment  
10   position to participate in the employment and training program under this  
11   subsection.

12           \*~~-1019/4.109~~\* SECTION 1600. 49.79 (9) (a) 1. of the statutes is amended to read:

13           49.79 (9) (a) 1. The department shall administer an employment and training  
14   program for recipients under the food stamp program and may contract under s.  
15   ~~49.78 with county departments under ss. 46.215, 46.22, and 46.23,~~ and with tribal  
16   governing bodies to carry out the administrative functions. The department may  
17   contract, or a ~~county department~~ or tribal governing body may subcontract, with a  
18   Wisconsin Works agency or another provider to administer the employment and  
19   training program under this subsection. Except as provided in subds. 2. and 3., the  
20   department may require able individuals who are 18 to 60 years of age who are not  
21   participants in a Wisconsin Works employment position to participate in the  
22   employment and training program under this subsection.

23           \*~~-1195/1.57~~\* SECTION 1601. 49.79 (9) (a) 2. of the statutes is renumbered 49.37

24   (9) (a) 2. and amended to read:

1           49.37 (9) (a) 2. The department may not require an individual who is a recipient  
2           under the ~~food stamp~~ supplemental nutrition assistance program and who is the  
3           caretaker of a child under the age of 12 weeks to participate in any employment and  
4           training program under this subsection.

5           **\*-1195/1.58\* SECTION 1602.** 49.79 (9) (a) 3. of the statutes is renumbered 49.37  
6           (9) (a) 3. and amended to read:

7           49.37 (9) (a) 3. The department may not require an individual who is a recipient  
8           under the ~~food stamp~~ supplemental nutrition assistance program to participate in  
9           any employment and training program under this subsection if that individual is  
10          enrolled at least half time in a school, as defined in s. 49.26 (1) (a) 2., a training  
11          program, or an institution of higher education.

12          **\*-1195/1.59\* SECTION 1603.** 49.79 (9) (a) 4. of the statutes is renumbered 49.37  
13          (9) (a) 4. and amended to read:

14          49.37 (9) (a) 4. The amount of ~~food stamp~~ supplemental nutrition assistance  
15          benefits paid to a recipient who is a participant in a Wisconsin ~~works~~ Works  
16          employment position under s. 49.147 (4) or (5) shall be calculated based on the  
17          pre-sanction benefit amount received s. 49.148.

18          **\*-1195/1.60\* SECTION 1604.** 49.79 (9) (a) 5. of the statutes is renumbered 49.37  
19          (9) (a) 5.

20          **\*-1195/1.61\* SECTION 1605.** 49.79 (9) (b) (intro.) of the statutes is renumbered  
21          49.37 (9) (b) (intro.) and amended to read:

22          49.37 (9) (b) (intro.) An individual who fails to comply with the work  
23          requirements under par. (a) without good cause is ineligible to participate in the ~~food~~  
24          ~~stamp~~ supplemental nutrition assistance program as follows:

1           **\*-1195/1.62\* SECTION 1606.** 49.79 (9) (b) 1. of the statutes is renumbered 49.37

2           (9) (b) 1.

3           **\*-1195/1.63\* SECTION 1607.** 49.79 (9) (b) 2. of the statutes is renumbered 49.37

4           (9) (b) 2.

5           **\*-1195/1.64\* SECTION 1608.** 49.79 (9) (b) 3. of the statutes is renumbered 49.37

6           (9) (b) 3.

7           **\*-1195/1.65\* SECTION 1609.** 49.793 (title) of the statutes is renumbered 49.373

8           (title) and amended to read:

9           **49.373 (title)   Recovery of food stamps supplemental nutrition**  
10          **assistance program overpayments.**

11          **\*-1195/1.66\* SECTION 1610.** 49.793 (1) of the statutes is renumbered 49.373

12          (1) and amended to read:

13               49.373 (1) The department or a county or an elected governing body of a  
14          federally recognized American Indian tribe or band acting on behalf of the  
15          department, may recover overpayments that arise from an overissuance of food  
16          coupons benefits under the food stamp supplemental nutrition assistance program  
17          administered under s. 46.215 (1) (k) or 46.22 (1) (b) 2. d. Recovery shall be made in  
18          accordance with 7 USC 2022.

19          **\*-1019/4.110\* SECTION 1611.** 49.793 (1) of the statutes is amended to read:

20               49.793 (1) The department ~~or a county~~ or an elected governing body of a  
21          federally recognized American Indian tribe or band acting on behalf of the  
22          department, may recover overpayments that arise from an overissuance of food  
23          coupons under the food stamp program administered under s. ~~46.215 (1) (k) or 46.22~~  
24          ~~(1) (b) 2. d~~ 49.78. Recovery shall be made in accordance with 7 USC 2022.

**SECTION 1612**

1           **\*-1195/1.67\* SECTION 1612.** 49.793 (2) (a) of the statutes is renumbered 49.373  
2           (2) (a).

3           **\*-1019/4.111\* SECTION 1613.** 49.793 (2) (a) of the statutes is renumbered  
4           49.793 (2) and amended to read:

5           49.793 (2) ~~Except as provided in par. (b), a~~ A county or governing body of a  
6           federally recognized American Indian tribe may retain a portion of the amount of an  
7           overpayment the state is authorized to retain under 7 USC 2025 that is recovered  
8           under sub. (1) due to the efforts of an employee or officer of the county or tribe. The  
9           department shall promulgate a rule establishing the portion of the amount of the  
10          overpayment that the county or governing body may retain. This ~~paragraph~~  
11          subsection does not apply to recovery of an overpayment that was made as a result  
12          of state, county, or tribal governing body error.

13          **\*-1195/1.68\* SECTION 1614.** 49.793 (2) (b) of the statutes is renumbered 49.373  
14          (2) (b) and amended to read:

15          49.373 (2) (b) Any amount that Milwaukee County would otherwise be entitled  
16          to retain under par. (a) for the recovery of an overpayment due to the efforts of a  
17          department employee or officer, or a county employee or officer under the  
18          management of the department, shall be credited to the appropriation account under  
19          s. ~~20.435 (4) (L)~~ 20.437 (2) (L).

20          **\*-1019/4.112\* SECTION 1615.** 49.793 (2) (b) of the statutes is repealed.

21          **\*-1195/1.69\* SECTION 1616.** 49.795 (title) of the statutes is renumbered 49.375  
22          (title) and amended to read:

23          **49.375 (title) ~~Food stamp~~ Supplemental nutrition assistance program**  
24          **offenses.**

1           **\*-1195/1.70\* SECTION 1617.** 49.795 (1) (intro.) of the statutes is renumbered  
2           49.375 (1) (intro.).

3           **\*-1195/1.71\* SECTION 1618.** 49.795 (1) (a) of the statutes is renumbered 49.375  
4           (1) (a) and amended to read:

5           49.375 (1) (a) “Eligible person” means a member of a household certified as  
6           eligible for the ~~food stamp~~ supplemental nutrition assistance program or a person  
7           authorized to represent a certified household under 7 USC 2020 (e) (7).

8           **\*-1195/1.72\* SECTION 1619.** 49.795 (1) (b) of the statutes is renumbered 49.375  
9           (1) (b) and amended to read:

10          49.375 (1) (b) “Food” means items ~~which~~ that may be purchased using ~~food~~  
11          ~~coupons~~ supplemental nutrition assistance program benefits under 7 USC 2012 (g)  
12          and 2016 (b).

13          **\*-1195/1.73\* SECTION 1620.** 49.795 (1) (c) of the statutes is renumbered 49.375  
14          (1) (c) and amended to read:

15          49.375 (1) (c) “~~Food stamp~~ Supplemental nutrition assistance program” means  
16          the federal ~~food stamp~~ supplemental nutrition assistance program under 7 USC  
17          2011 to ~~2029~~ 2036.

18          **\*-1195/1.74\* SECTION 1621.** 49.795 (1) (d) of the statutes is renumbered 49.375  
19          (1) (d) and amended to read:

20          49.375 (1) (d) “Supplier” means a retail grocery store or other person  
21          authorized by the federal department of agriculture to accept ~~food coupons~~  
22          supplemental nutrition assistance program benefits in exchange for food under the  
23          ~~food stamp~~ supplemental nutrition assistance program.

24          **\*-1195/1.75\* SECTION 1622.** 49.795 (1) (e) (intro.) of the statutes is renumbered  
25          49.375 (1) (e) (intro.).

1           **\*-1195/1.76\* SECTION 1623.** 49.795 (1) (e) 1. of the statutes is renumbered  
2           49.375 (1) (e) 1. and amended to read:

3           49.375 (1) (e) 1. An employee or officer of the federal government, the state, a  
4           county or a federally recognized American Indian tribe acting in the course of official  
5           duties in connection with the ~~food stamp~~ supplemental nutrition assistance  
6           program.

7           **\*-1019/4.113\* SECTION 1624.** 49.795 (1) (e) 1. of the statutes is amended to  
8           read:

9           49.795 (1) (e) 1. An employee or officer of the federal government, the state,  
10          ~~a county~~ or a federally recognized American Indian tribe acting in the course of  
11          official duties in connection with the food stamp program.

12          **\*-1195/1.77\* SECTION 1625.** 49.795 (1) (e) 2. of the statutes is renumbered  
13          49.375 (1) (e) 2. and amended to read:

14          49.375 (1) (e) 2. A person acting in the course of duties under a contract with  
15          the federal government, the state, a county or a federally recognized American  
16          Indian tribe in connection with the ~~food stamp~~ supplemental nutrition assistance  
17          program.

18          **\*-1019/4.114\* SECTION 1626.** 49.795 (1) (e) 2. of the statutes is amended to  
19          read:

20          49.795 (1) (e) 2. A person acting in the course of duties under a contract with  
21          the federal government, the state, ~~a county~~ or a federally recognized American  
22          Indian tribe in connection with the food stamp program.

23          **\*-1195/1.78\* SECTION 1627.** 49.795 (1) (e) 3. of the statutes is renumbered  
24          49.375 (1) (e) 3.



1           **\*-1195/1.79\* SECTION 1628.** 49.795 (1) (e) 4. of the statutes is renumbered  
2           49.375 (1) (e) 4.

3           **\*-1195/1.80\* SECTION 1629.** 49.795 (1) (e) 5. of the statutes is renumbered  
4           49.375 (1) (e) 5. and amended to read:

5           49.375 (1) (e) 5. A person authorized to redeem ~~food coupons~~ supplemental  
6           nutrition assistance program benefits under 7 USC 2019.

7           **\*-1195/1.81\* SECTION 1630.** 49.795 (2) of the statutes is renumbered 49.375  
8           (2) and amended to read:

9           49.375 (2) No person may misstate or conceal facts in a ~~food stamp~~  
10          supplemental nutrition assistance program application or report of income, assets  
11          or household circumstances with intent to secure or continue to receive ~~food stamp~~  
12          supplemental nutrition assistance program benefits.

13          **\*-1195/1.82\* SECTION 1631.** 49.795 (2m) of the statutes is renumbered 49.375  
14          (2m).

15          **\*-1195/1.83\* SECTION 1632.** 49.795 (3) of the statutes is renumbered 49.375  
16          (3) and amended to read:

17          49.375 (3) No person may knowingly issue ~~food coupons~~ supplemental  
18          nutrition assistance program benefits to a person who is not an eligible person or  
19          knowingly issue ~~food coupons~~ supplemental nutrition assistance program benefits  
20          to an eligible person in excess of the amount for which the person's household is  
21          eligible.

22          **\*-1195/1.84\* SECTION 1633.** 49.795 (4) of the statutes is renumbered 49.375  
23          (4) and amended to read:

24          49.375 (4) No eligible person may knowingly transfer ~~food coupons~~  
25          supplemental nutrition assistance program benefits except to purchase food from a

1 supplier or knowingly obtain or use ~~food coupons~~ supplemental nutrition assistance  
2 program benefits for which the person's household is not eligible.

3       **\*-1195/1.85\* SECTION 1634.** 49.795 (5) of the statutes is renumbered 49.375  
4 (5) and amended to read:

5       49.375 (5) No supplier may knowingly obtain ~~food coupons~~ supplemental  
6 nutrition assistance program benefits except as payment for food or knowingly  
7 obtain ~~food coupons~~ supplemental nutrition assistance program benefits from a  
8 person who is not an eligible person.

9       **\*-1195/1.86\* SECTION 1635.** 49.795 (6) of the statutes is renumbered 49.375  
10 (6) and amended to read:

11       49.375 (6) No unauthorized person may knowingly obtain, possess, transfer,  
12 or use ~~food coupons~~ supplemental nutrition assistance program benefits.

13       **\*-1195/1.87\* SECTION 1636.** 49.795 (7) of the statutes is renumbered 49.375  
14 (7) and amended to read:

15       49.375 (7) No person may knowingly alter ~~food coupons~~ supplemental nutrition  
16 assistance program benefits.

17       **\*-1195/1.88\* SECTION 1637.** 49.795 (8) (a) (intro.) of the statutes is renumbered  
18 49.375 (8) (a) (intro.).

19       **\*-1195/1.89\* SECTION 1638.** 49.795 (8) (a) 1. of the statutes is renumbered  
20 49.375 (8) (a) 1. and amended to read:

21       49.375 (8) (a) 1. If the value of the ~~food coupons~~ supplemental nutrition  
22 assistance program benefits does not exceed \$100, a person who violates this section  
23 may be fined not more than \$1,000 or imprisoned not more than one year in the  
24 county jail or both.

1           **\*-1195/1.90\* SECTION 1639.** 49.795 (8) (a) 2. of the statutes is renumbered  
2           49.375 (8) (a) 2. and amended to read:

3           49.375 (8) (a) 2. If the value of the ~~food-coupons~~ supplemental nutrition  
4           assistance program benefits exceeds \$100, but is less than \$5,000, a person who  
5           violates this section is guilty of a Class I felony.

6           **\*-1195/1.91\* SECTION 1640.** 49.795 (8) (b) (intro.) of the statutes is renumbered  
7           49.375 (8) (b) (intro.).

8           **\*-1195/1.92\* SECTION 1641.** 49.795 (8) (b) 1. of the statutes is renumbered  
9           49.375 (8) (b) 1. and amended to read:

10          49.375 (8) (b) 1. If the value of the ~~food-coupons~~ supplemental nutrition  
11          assistance program benefits does not exceed \$100, a person who violates this section  
12          may be fined not more than \$1,000 or imprisoned not more than one year in the  
13          county jail or both.

14          **\*-1195/1.93\* SECTION 1642.** 49.795 (8) (b) 2. of the statutes is renumbered  
15          49.375 (8) (b) 2. and amended to read:

16          49.375 (8) (b) 2. If the value of the ~~food-coupons~~ supplemental nutrition  
17          assistance program benefits exceeds \$100, but is less than \$5,000, a person who  
18          violates this section is guilty of a Class H felony.

19          **\*-1195/1.94\* SECTION 1643.** 49.795 (8) (c) of the statutes is renumbered 49.375  
20          (8) (c) and amended to read:

21          49.375 (8) (c) For any offense under this section, if the value of the ~~food-coupons~~  
22          supplemental nutrition assistance program benefits is \$5,000 or more, a person who  
23          violates this section is guilty of a Class G felony.

24          **\*-1195/1.95\* SECTION 1644.** 49.795 (8) (d) 1. (intro.) of the statutes is  
25          renumbered 49.375 (8) (d) 1. (intro.) and amended to read:

**SECTION 1644**

1           49.375 (8) (d) 1. (intro.) In addition to the penalties applicable under par. (a),  
2           (b), or (c), the court shall suspend a person who violates this section from  
3           participation in the ~~food-stamp~~ supplemental nutrition assistance program as  
4           follows:

5           **\*-1195/1.96\* SECTION 1645.** 49.795 (8) (d) 1. a. of the statutes is renumbered  
6           49.375 (8) (d) 1. a.

7           **\*-1195/1.97\* SECTION 1646.** 49.795 (8) (d) 1. b. of the statutes is renumbered  
8           49.375 (8) (d) 1. b.

9           **\*-1195/1.98\* SECTION 1647.** 49.795 (8) (d) 1. c. of the statutes is renumbered  
10          49.375 (8) (d) 1. c.

11          **\*-1195/1.99\* SECTION 1648.** 49.795 (8) (d) 1m. of the statutes is renumbered  
12          49.375 (8) (d) 1m. and amended to read:

13          49.375 (8) (d) 1m. In addition to the penalties applicable under par. (a), (b), or  
14          (c), a court shall permanently suspend from the ~~food-stamp~~ supplemental nutrition  
15          assistance program a person who has been convicted of an offense under 7 USC 2024  
16          (b) or (c) involving an item covered by 7 USC 2024 (b) or (c) having a value of \$500  
17          or more.

18          **\*-1195/1.100\* SECTION 1649.** 49.795 (8) (d) 2. of the statutes is renumbered  
19          49.375 (8) (d) 2.

20          **\*-1019/4.115\* SECTION 1650.** 49.795 (8) (d) 2. of the statutes is amended to  
21          read:

22          49.795 (8) (d) 2. The person may apply to the ~~county~~ department ~~under s.~~  
23          ~~46.215, 46.22 or 46.23~~ or the federally recognized American Indian tribal governing  
24          body or, if the person is a supplier, to the federal department of agriculture for  
25          reinstatement following the period of suspension, if the suspension is not permanent.

1           **\*-1195/1.101\* SECTION 1651.** 49.795 (8) (e) 1. (intro.) of the statutes is  
2           renumbered 49.375 (8) (e) 1. (intro.) and amended to read:

3           49.375 (8) (e) 1. (intro.) If a court finds that a person traded a controlled  
4           substance, as defined in s. 961.01 (4), for ~~food coupons~~ supplemental nutrition  
5           assistance program benefits, the court shall suspend the person from participation  
6           in the ~~food stamp~~ supplemental nutrition assistance program as follows:

7           **\*-1195/1.102\* SECTION 1652.** 49.795 (8) (e) 1. a. of the statutes is renumbered  
8           49.375 (8) (e) 1. a.

9           **\*-1195/1.103\* SECTION 1653.** 49.795 (8) (e) 1. b. of the statutes is renumbered  
10          49.375 (8) (e) 1. b.

11          **\*-1195/1.104\* SECTION 1654.** 49.795 (8) (e) 2. of the statutes is renumbered  
12          49.375 (8) (e) 2. and amended to read:

13          49.375 (8) (e) 2. If a court finds that a person traded firearms, ammunition, or  
14          explosives for ~~food coupons~~ supplemental nutrition assistance program benefits, the  
15          court shall suspend the person permanently from participation in the ~~food stamp~~  
16          supplemental nutrition assistance program.

17          **\*-1195/1.105\* SECTION 1655.** 49.795 (8) (f) of the statutes is renumbered  
18          49.375 (8) (f) and amended to read:

19          49.375 (8) (f) Notwithstanding par. (d), in addition to the penalties applicable  
20          under par. (a), (b), or (c), the court shall suspend from the ~~food stamp~~ supplemental  
21          nutrition assistance program for a period of 10 years a person who fraudulently  
22          misstates or misrepresents his or her identity or place of residence for the purpose  
23          of receiving multiple benefits simultaneously under the ~~food stamp~~ supplemental  
24          nutrition assistance program.

1           **\*-1195/1.106\* SECTION 1656.** 49.797 (title) of the statutes is renumbered  
2           49.377 (title).

3           **\*-1195/1.107\* SECTION 1657.** 49.797 (1) of the statutes is renumbered 49.377  
4           (1) and amended to read:

5           49.377 (1) DEFINITION. In this section, “~~food stamp program~~” “supplemental  
6           nutrition assistance program” means the federal ~~food stamp~~ supplemental nutrition  
7           assistance program under 7 USC 2011 to 2029 2036 or, if the department determines  
8           that the ~~food stamp~~ supplemental nutrition assistance program no longer exists, a  
9           nutrition program that the department determines is a successor to the ~~food stamp~~  
10          supplemental nutrition assistance program.

11          **\*-1195/1.108\* SECTION 1658.** 49.797 (2) (a) of the statutes is renumbered  
12          49.377 (2) and amended to read:

13          49.377 (2) Notwithstanding s. 46.028 and except as provided in par. (b) and sub.  
14          (8), the The department shall administer a statewide program to deliver ~~food stamp~~  
15          supplemental nutrition assistance program benefits to recipients of ~~food stamp~~  
16          supplemental nutrition assistance program benefits by an electronic benefit transfer  
17          system. All suppliers, as defined in s. 49.795 (1) 49.375 (1) (d), may participate in the  
18          delivery of ~~food stamp~~ supplemental nutrition assistance program benefits under the  
19          electronic benefit transfer system. The department shall explore methods by which  
20          nontraditional retailers, such as farmers’ markets, may participate in the delivery  
21          of ~~food stamp~~ supplemental nutrition assistance program benefits under the  
22          electronic benefit transfer system.

23          **\*-1195/1.109\* SECTION 1659.** 49.797 (2) (b) of the statutes is repealed.

24          **\*-1195/1.110\* SECTION 1660.** 49.797 (4) of the statutes is renumbered 49.377  
25          (4).

1           **\*-1195/1.111\* SECTION 1661.** 49.797 (5) of the statutes is renumbered 49.377  
2           (5).

3           **\*-1195/1.112\* SECTION 1662.** 49.797 (6) of the statutes is renumbered 49.377  
4           (6).

5           **\*-1195/1.113\* SECTION 1663.** 49.797 (7) of the statutes is renumbered 49.377  
6           (7).

7           **\*-1195/1.114\* SECTION 1664.** 49.797 (8) of the statutes is repealed.

8           **\*-1019/4.116\* SECTION 1665.** 49.797 (8) of the statutes is amended to read:

9           49.797 (8) COUNTY TRIBAL GOVERNING BODY PARTICIPATION; EXCEPTION. The  
10          department may not require a ~~county or~~ tribal governing body to participate in an  
11          electronic benefit transfer system under this section if the costs to the ~~county or~~ tribal  
12          governing body would be greater than the costs that the ~~county or~~ tribal governing  
13          body would incur in delivering the benefits through a system that is not an electronic  
14          benefit transfer system.

15          **\*-1019/4.117\* SECTION 1666.** 49.825 of the statutes, as affected by 2011  
16          Wisconsin Act .... (this act), is repealed.

17          **\*-1019/4.118\* SECTION 1667.** 49.825 (2) (a) 2. of the statutes is repealed.

18          **\*-1019/4.119\* SECTION 1668.** 49.83 of the statutes is amended to read:

19          **49.83 Limitation on giving information.** Except as provided under ss.  
20          49.25 and 49.32 (9), (10), and (10m), no person may use or disclose information  
21          concerning applicants and recipients of relief funded by a relief block grant, aid to  
22          families with dependent children, Wisconsin Works under ss. 49.141 to 49.161, social  
23          services, child and spousal support and establishment of paternity and medical  
24          support liability services under s. 49.22, or supplemental payments under s. 49.77,  
25          2009 stats., or s. 49.39 for any purpose not connected with the administration of the

1 programs, except that the department of children and families may disclose such  
2 information to the department of revenue for the sole purpose of administering state  
3 taxes. Any person violating this section may be fined not less than \$25 nor more than  
4 \$500 or imprisoned in the county jail not less than 10 days nor more than one year  
5 or both.

6 **\*-1195/1.115\* SECTION 1669.** 49.84 (5) of the statutes is amended to read:

7 49.84 (5) A person applying for Wisconsin ~~works~~ Works under ss. 49.141 to  
8 49.161, aid to families with dependent children under s. 49.19, medical assistance  
9 under subch. IV, or ~~food stamp~~ supplemental nutrition assistance program benefits  
10 under 7 USC 2011 to 2029 2036 shall, as a condition of eligibility, provide a  
11 declaration and other verification of citizenship or satisfactory immigration status  
12 as required by the department by rule or as required in 42 USC 1320b-7 (d).

13 **\*-1019/4.120\* SECTION 1670.** 49.845 (1) of the statutes is amended to read:

14 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
15 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
16 to investigate suspected fraudulent activity on the part of recipients of medical  
17 assistance under subch. IV, food stamp benefits under the food stamp program under  
18 7 USC 2011 to 2036, ~~supplemental security income payments under s. 49.77,~~  
19 ~~payments for the support of children of supplemental security income recipients~~  
20 ~~under s. 49.775,~~ and health care benefits under the Badger Care health care program  
21 under s. 49.665 and, if the department of children and families contracts with the  
22 department of health services under sub. (4), on the part of recipients of aid to  
23 families with dependent children under s. 49.19, supplemental security income  
24 payments under s. 49.77, 2009 stats., or s. 49.39, payments for the support of children  
25 of supplemental security income recipients under s. 49.775, 2009 stats., or s. 49.395,



1 and participants in the Wisconsin Works program under ss. 49.141 to 49.161. The  
2 activities of the department of health services under this subsection may include  
3 comparisons of information provided to the department by an applicant and  
4 information provided by the applicant to other federal, state, and local agencies,  
5 development of an advisory welfare investigation prosecution standard, and  
6 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to  
7 Wisconsin Works agencies to encourage activities to detect fraud. The department  
8 of health services shall cooperate with district attorneys regarding fraud  
9 prosecutions.

10 **\*-1195/1.116\* SECTION 1671.** 49.845 (1) of the statutes is amended to read:

11 49.845 (1) FRAUD INVESTIGATION. From the appropriations under s. 20.435 (4)  
12 (bn), (kz), (L), and (nn), the department of health services shall establish a program  
13 to investigate suspected fraudulent activity on the part of recipients of medical  
14 assistance under subch. IV, ~~food stamp benefits under the food stamp program under~~  
15 ~~7 USC 2011 to 2036~~, supplemental security income payments under s. 49.77,  
16 payments for the support of children of supplemental security income recipients  
17 under s. 49.775, and health care benefits under the Badger Care health care program  
18 under s. 49.665 and, if the department of children and families contracts with the  
19 department of health services under sub. (4), on the part of recipients of aid to  
20 families with dependent children under s. 49.19, recipients of benefits under the  
21 supplemental nutrition assistance program under 7 USC 2011 to 2036, and  
22 participants in the Wisconsin Works program under ss. 49.141 to 49.161. The  
23 activities of the department of health services under this subsection may include  
24 comparisons of information provided to the department by an applicant and  
25 information provided by the applicant to other federal, state, and local agencies,

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1 development of an advisory welfare investigation prosecution standard, and  
2 provision of funds to county departments under ss. 46.215, 46.22, and 46.23 and to  
3 Wisconsin Works agencies to encourage activities to detect fraud. The department  
4 of health services shall cooperate with district attorneys regarding fraud  
5 prosecutions.

6 **\*-1019/4.121\* SECTION 1672.** 49.845 (2) of the statutes is amended to read:

7 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health  
8 services shall conduct activities to reduce payment errors in the Medical Assistance  
9 program under subch. IV, the food stamp program under 7 USC 2011 to 2036, the  
10 ~~supplemental security income payments program under s. 49.77, the program~~  
11 ~~providing payments for the support of children of supplemental security income~~  
12 ~~recipients under s. 49.775, and the Badger Care health care program under s. 49.665~~  
13 and, if the department of children and families contracts with the department of  
14 health services under sub. (4), in the supplemental security income payments  
15 program under s. 49.39, the program providing payments for the support of children  
16 of supplemental security income recipients under s. 49.395, and Wisconsin Works  
17 under ss. 49.141 to 49.161.

18 **\*-1195/1.117\* SECTION 1673.** 49.845 (2) of the statutes is amended to read:

19 49.845 (2) STATE ERROR REDUCTION ACTIVITIES. The department of health  
20 services shall conduct activities to reduce payment errors in the Medical Assistance  
21 program under subch. IV, ~~the food stamp program under 7 USC 2011 to 2036, the~~  
22 supplemental security income payments program under s. 49.77, the program  
23 providing payments for the support of children of supplemental security income  
24 recipients under s. 49.775, and the Badger Care health care program under s. 49.665  
25 and, if the department of children and families contracts with the department of

1 health services under sub. (4), in Wisconsin Works under ss. 49.141 to 49.161 and the  
2 supplemental nutrition assistance program under 7 USC 2011 to 2036.

3 **\*-1019/4.122\* SECTION 1674.** 49.845 (4) (title) of the statutes is amended to  
4 read:

5 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS, SUPPLEMENTAL SECURITY  
6 INCOME, AND CARETAKER SUPPLEMENT.

7 **\*-1195/1.118\* SECTION 1675.** 49.845 (4) (title) of the statutes is amended to  
8 read:

9 49.845 (4) (title) CONTRACT FOR WISCONSIN WORKS AND THE SUPPLEMENTAL  
10 NUTRITION ASSISTANCE PROGRAM.

11 **\*-1019/4.123\* SECTION 1676.** 49.845 (4) (a) 1. of the statutes is amended to  
12 read:

13 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of  
14 children and families may contract with the department of health services to  
15 investigate suspected fraudulent activity on the part of recipients of aid to families  
16 with dependent children under s. 49.19, recipients of supplemental security income  
17 payments under s. 49.39, recipients of payments for the support of children of  
18 supplemental security income recipients under s. 49.395, and participants in  
19 Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities to reduce  
20 payment errors in the supplemental security income payments program under s.  
21 49.39, the program providing payments for the support of children of supplemental  
22 security income recipients under s. 49.395, and Wisconsin Works under ss. 49.141 to  
23 49.161, as provided in this section. If any employee of the department of health  
24 services reasonably suspects that fraudulent activity as described in this subdivision  
25 has occurred or is occurring, the employee shall immediately report the facts and

1 circumstances contributing to that suspicion to the employee's immediate  
2 supervisor.

3 **\*-1195/1.119\* SECTION 1677.** 49.845 (4) (a) 1. of the statutes is amended to  
4 read:

5 49.845 (4) (a) 1. Notwithstanding s. 49.197 (1m) and (3), the department of  
6 children and families may contract with the department of health services to  
7 investigate suspected fraudulent activity on the part of recipients of aid to families  
8 with dependent children under s. 49.19, recipients of benefits under the  
9 supplemental nutrition assistance program under 7 USC 2011 to 2036, and  
10 participants in Wisconsin Works under ss. 49.141 to 49.161 and to conduct activities  
11 to reduce payment errors in the supplemental nutrition assistance program under  
12 7 USC 2011 to 2036 and Wisconsin Works under ss. 49.141 to 49.161, as provided in  
13 this section. If any employee of the department of health services reasonably  
14 suspects that fraudulent activity as described in this subdivision has occurred or is  
15 occurring, the employee shall immediately report the facts and circumstances  
16 contributing to that suspicion to the employee's immediate supervisor.

17 **\*-1195/1.120\* SECTION 1678.** 49.847 (1) of the statutes is amended to read:

18 49.847 (1) Subject to ss. s. 49.497 (1) and ~~49.793 (1)~~, the department of health  
19 services, or a county or elected governing body of a federally recognized American  
20 Indian tribe or band acting on behalf of the department, may recover benefits  
21 incorrectly paid under any of the programs administered by the department under  
22 this chapter.

23 **\*-1195/1.121\* SECTION 1679.** 49.847 (2) of the statutes is amended to read:

24 49.847 (2) The department, county, or elected governing body may recover an  
25 overpayment from a family or individual who continues to receive benefits under any

1 program administered by the department under this chapter by reducing the  
2 family's or individual's benefit amount. ~~Subject to s. 49.793 (1), the~~ The department  
3 may by rule specify other methods for recovering incorrectly paid benefits.

4 **\*-1019/4.124\* SECTION 1680.** 49.847 (3) (a) of the statutes is renumbered  
5 49.847 (3) and amended to read:

6 49.847 (3) Subject to ss. 49.497 (2) and 49.793 (2), ~~and except as provided in par.~~  
7 ~~(b)~~, a county or elected governing body may retain a portion of an amount recovered  
8 under this section due to the efforts of an employee or officer of the county, tribe, or  
9 band, as provided by the department by rule.

10 **\*-1195/1.122\* SECTION 1681.** 49.847 (3) (a) of the statutes is amended to read:

11 49.847 (3) (a) Subject to ss. s. 49.497 (2) ~~and 49.793 (2)~~, and except as provided  
12 in par. (b), a county or elected governing body may retain a portion of an amount  
13 recovered under this section due to the efforts of an employee or officer of the county,  
14 tribe, or band, as provided by the department by rule.

15 **\*-1019/4.125\* SECTION 1682.** 49.847 (3) (b) of the statutes is repealed.

16 **\*-1195/1.123\* SECTION 1683.** 49.85 (1) of the statutes is amended to read:

17 49.85 (1) DEPARTMENT NOTIFICATION REQUIREMENT. If a county department under  
18 s. 46.215, 46.22, or 46.23 or a governing body of a federally recognized American  
19 Indian tribe or band determines that the department of health services may recover  
20 an amount under s. 49.497, ~~49.793~~, or 49.847, or that the department of children and  
21 families may recover an amount under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect  
22 an amount under s. 49.147 (6) (cm), the county department or governing body shall  
23 notify the affected department of the determination. If a Wisconsin Works agency  
24 determines that the department of children and families may recover an amount  
25 under s. 49.161 ~~or~~, 49.195 (3), or 49.373 or collect an amount under s. 49.147 (6) (cm),

1 the Wisconsin Works agency shall notify the department of children and families of  
2 the determination.

3 **\*-1195/1.124\* SECTION 1684.** 49.85 (2) (a) (intro.) of the statutes is amended  
4 to read:

5 49.85 (2) (a) (intro.) At least annually, the department of health services shall  
6 certify to the department of revenue the amounts that, based on the notifications  
7 received under sub. (1) and on other information received by the department of  
8 health services, the department of health services has determined that it may  
9 recover under s. 49.45 (2) (a) 10., 49.497, ~~49.793~~, or 49.847, except that the  
10 department of health services may not certify an amount under this subsection  
11 unless all of the following apply:

12 **\*-1195/1.125\* SECTION 1685.** 49.85 (2) (b) of the statutes is amended to read:

13 49.85 (2) (b) At least annually, the department of children and families shall  
14 certify to the department of revenue the amounts that, based on the notifications  
15 received under sub. (1) and on other information received by the department of  
16 children and families, the department of children and families has determined that  
17 it may recover under ~~ss. s.~~ s. 49.161, and 49.195 (3) and, or 49.373 or collect under s.  
18 49.147 (6) (cm), except that the department of children and families may not certify  
19 an amount under this subsection unless it has met the notice requirements under  
20 sub. (3) and unless its determination has either not been appealed or is no longer  
21 under appeal.

22 **\*-1195/1.126\* SECTION 1686.** 49.85 (3) (a) 1. of the statutes is amended to read:

23 49.85 (3) (a) 1. Inform the person that the department of health services  
24 intends to certify to the department of revenue an amount that the department of

1 health services has determined to be due under s. 49.45 (2) (a) 10., 49.497, ~~49.793,~~  
2 or 49.847, for setoff from any state tax refund that may be due the person.

3 **\*-1195/1.127\* SECTION 1687.** 49.85 (3) (b) 1. of the statutes is amended to read:

4 49.85 (3) (b) 1. Inform the person that the department of children and families  
5 intends to certify to the department of revenue an amount that the department of  
6 children and families has determined to be due under s. 49.161 ~~or~~, 49.195 (3), or  
7 49.373, or to be delinquent under a repayment agreement for a loan under s. 49.147  
8 (6), for setoff from any state tax refund that may be due the person.

9 **\*-1465/P3.345\* \*-0808/2.204\* SECTION 1688.** 49.857 (1) (c) of the statutes is  
10 amended to read:

11 49.857 (1) (c) "Credentialing board" means a board, examining board or  
12 affiliated credentialing board in the department of ~~regulation and licensing~~ safety  
13 and professional services that grants a credential.

14 **\*-1465/P3.346\* \*-0808/2.205\* SECTION 1689.** 49.857 (2) (b) 1. of the statutes  
15 is amended to read:

16 49.857 (2) (b) 1. The circumstances under which the licensing authority or the  
17 licensing agency must restrict, limit, suspend, withhold, deny, refuse to grant or  
18 issue or refuse to renew or revalidate a license and guidelines for determining the  
19 appropriate action to take. The memorandum of understanding with the  
20 department of ~~regulation and licensing~~ safety and professional services shall include  
21 the circumstances under which the department of ~~regulation and licensing~~ safety  
22 and professional services shall direct a credentialing board to restrict, limit,  
23 suspend, withhold, deny or refuse to grant a credential and guidelines for  
24 determining the appropriate action to take. The guidelines under this subdivision  
25 for determining the appropriate action to take shall require the consideration of

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1 whether the action is likely to have an adverse effect on public health, safety or  
2 welfare or on the environment, and of whether the action is likely to adversely affect  
3 individuals other than the individual holding or applying for the license, such as  
4 employees of that individual.

5 **\*-1465/P3.347\* \*-0808/2.206\* SECTION 1690.** 49.857 (2) (b) 2. a. of the  
6 statutes is amended to read:

7 49.857 (2) (b) 2. a. Certifying to the licensing authority or licensing agency a  
8 delinquency in support or a failure to comply with a subpoena or warrant. The  
9 memorandum of understanding with the department of ~~regulation and licensing~~  
10 safety and professional services shall include procedures for the department of  
11 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
12 board that a certification of delinquency in support or failure to comply with a  
13 subpoena or warrant has been made by the department of children and families with  
14 respect to an individual who holds or applied for a credential granted by the  
15 credentialing board.

16 **\*-1465/P3.348\* \*-0808/2.207\* SECTION 1691.** 49.857 (2) (b) 2. c. of the statutes  
17 is amended to read:

18 49.857 (2) (b) 2. c. Notifying the licensing authority or licensing agency that an  
19 individual has paid delinquent support or made satisfactory alternative payment  
20 arrangements or satisfied the requirements under a subpoena or warrant. The  
21 memorandum of understanding with the department of ~~regulation and licensing~~  
22 safety and professional services shall include procedures for the department of  
23 ~~regulation and licensing~~ safety and professional services to notify a credentialing  
24 board that an individual who holds or applied for a credential granted by the



1 credentialing board has paid delinquent support or made satisfactory alternative  
2 payment arrangements or satisfied the requirements under a subpoena or warrant.

3 **\*-1465/P3.349\* \*-0808/2.208\* SECTION 1692.** 49.857 (2) (b) 3. a. of the  
4 statutes is amended to read:

5 49.857 (2) (b) 3. a. Restricting, limiting, suspending, withholding, denying,  
6 refusing to grant or issue or refusing to renew or revalidate a license. The  
7 memorandum of understanding with the department of ~~regulation and licensing~~  
8 safety and professional services shall include procedures for the department of  
9 ~~regulation and licensing~~ safety and professional services to direct a credentialing  
10 board to restrict, limit, suspend, withhold, deny or refuse to grant a credential.

11 **\*-1465/P3.350\* \*-0808/2.209\* SECTION 1693.** 49.857 (2) (b) 3. c. of the statutes  
12 is amended to read:

13 49.857 (2) (b) 3. c. Issuing or reinstating a license if the department of children  
14 and families notifies the licensing authority or licensing agency that an individual  
15 who was delinquent in making court-ordered payments of support has paid the  
16 delinquent support or made satisfactory alternative payment arrangements or that  
17 an individual who failed to comply with a subpoena or warrant has satisfied the  
18 requirements under the subpoena or warrant. The memorandum of understanding  
19 with the department of ~~regulation and licensing~~ safety and professional services  
20 shall include procedures for the department of ~~regulation and licensing~~ safety and  
21 professional services to direct a credentialing board to grant or reinstate a credential  
22 if the department of children and families notifies the department of ~~regulation and~~  
23 ~~licensing~~ safety and professional services that an individual who holds or applied for  
24 a credential granted by the credentialing board has paid the delinquent support or  
25 made satisfactory alternative payment arrangements or that an individual who

1 failed to comply with a subpoena or warrant has satisfied the requirements under  
2 the subpoena or warrant.

3 **\*-1465/P3.351\* \*-0808/2.210\* SECTION 1694.** 49.857 (3) (a) 1. of the statutes  
4 is amended to read:

5 49.857 (3) (a) 1. That a certification of delinquency in paying support will be  
6 made to a licensing authority, a licensing agency or, with respect to a credential  
7 granted by a credentialing board, the department of ~~regulation and licensing~~ safety  
8 and professional services.

9 **\*-1465/P3.352\* \*-0808/2.211\* SECTION 1695.** 49.857 (3) (am) 1. of the statutes  
10 is amended to read:

11 49.857 (3) (am) 1. That the individual's name has been placed on a certification  
12 list, which will be provided to a licensing authority, a licensing agency or, with respect  
13 to a credential granted by a credentialing board, the department of ~~regulation and~~  
14 ~~licensing~~ safety and professional services.

15 **\*-1465/P3.353\* \*-0808/2.212\* SECTION 1696.** 49.857 (3) (b) 1. of the statutes  
16 is amended to read:

17 49.857 (3) (b) 1. That a certification of the failure to comply with a subpoena  
18 or warrant will be made to a licensing authority, a licensing agency or, with respect  
19 to a credential granted by a credentialing board, the department of ~~regulation and~~  
20 ~~licensing~~ safety and professional services.

21 **\*-1465/P3.354\* \*-0808/2.213\* SECTION 1697.** 49.857 (3) (c) (intro.) of the  
22 statutes is amended to read:

23 49.857 (3) (c) (intro.) If the department of children and families provides a  
24 certification list to a licensing authority, a licensing agency or, with respect to a  
25 credential granted by a credentialing board, the department of ~~regulation and~~